

REMARKS

I. Status Of The Claims

Claims 1-28 are pending in this Application.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst (U.S. Patent No. 6,131,123) in view of Kahn (U.S. Patent Application No. 2002/0143951).

Claims 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn, Marzo ("Multicast Algorithms Evaluation Using an Adaptive Routing in ATM Networks"), and Stanforth (U.S. Patent Application No. 2002/0058502).

Claims 1-12 are independent.

II. Rejection of Independent Claims

The Office Action rejects independent claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn.

Turning to independent claims 1, 2, 5-8, 11, and 12 Applicants respectfully submit that Hurst and Kahn, taken individually or in combination, to fail to disclose, teach, or suggest at least:

“... upon a change in the cellular distribution of the reception group, deciding whether a subset of said reception group should receive said service via a unicast link or via a multicast link”
(emphasis added)

as set forth in each of independent claims 1, 5, 7, and 11, and:

“... upon a change in the composition of the reception group, deciding whether a subset of said reception group should receive said service via a unicast link or via a multicast link”
(emphasis added)

as set forth in each of independent claims 2, 6, 8, and 12.

The Office Action apparently recognizes that neither the above-quoted aspect of claims 1, 5, 7, and 11 nor the above-quoted aspect of claims 2, 6, 8, and 12 is disclosed by Hurst.

With regard to the above-quoted aspect of claims 2, 6, 8, and 12, the Office Action argues that such is disclosed by Kahn:

“Kahn expressly taught techniques for ‘New Client Joining Multicast Group’ and ‘Client Leaving Multicast Group’ [0029-0033] ... [Kahn] provid[es] means to detect changes in the composition of the multicast group before each transmission determination to multicast or unicast to certain nodes” .

Applicants disagree for at least the reason that mere discussion of functionality whereby a “multicast client may join a multicast group” (see Kahn [0029]) or a “unicast client may leave a multicast group” (see Kahn [0032]) is not disclosure, teaching, or suggestion of “deciding” being performed “upon a change in the composition of the reception group” as set forth in the claims (emphasis added).

As indicated above, the Office Action argues that Kahn “provid[es] means to detect changes in the composition of the multicast group before each transmission determination to multicast or unicast to certain nodes”. Applicants, noting that there is no such disclosure, teaching, or suggestion in Kahn, respectfully disagree.

However, even if it were the case that Kahn “provid[ed] means to detect changes in the composition of the multicast group before each transmission determination to multicast or unicast to certain nodes” as argued by the Office Action, Applicants respectfully submit that mere discussion of ability to “detect changes in the composition of the multicast group” would not be disclosure, teaching, or suggestion of “deciding” being performed “upon a change in the composition of the reception group” as set forth in the claims (emphasis added).

With regard to the above-quoted aspect of claims 2, 6, 8, and 12, the Office Action also argues that “deciding” “upon a change in the composition of the reception group” is inherent to the operation of Hurst:

“Hurst disclosure performs determination steps for every message and therefore would inherently make a different determination upon changes in the composition of the multicast group”
(emphasis added).

Applicants disagree with the Office Action’s logic for at least the reason that “deciding” being performed “upon a change in the composition of the reception group” (emphasis added) as set forth in the claims is not at all like determination being performed “for every message” (emphasis added) as disclosed by Hurst according to the Office Action.

With regard to the above-quoted aspect of claims 1, 5, 7, and 11, Applicants respectfully submit that the Office Action, after apparently recognizing such functionality to not be disclosed by Hurst, does not provide any indication of any references disclosing, teaching, or suggesting “deciding” being performed “upon a change in the cellular distribution of the reception group” (emphasis added), nor do Applicants find any such disclosure, teaching, or suggestion in any of the cited references.

Turning to independent claims 3, 4, 9, and 10, Applicants respectfully submit that Hurst and Kahn, taken individually or in combination, to fail to disclose, teach, or suggest at least:

“... selecting from among available cellular distributions for said reception group...”
(emphasis added)

as set forth in each of those claims.

Applicants respectfully submit that the Office Action does not provide any indication of any references disclosing, teaching, or suggesting the above-quoted aspect, nor do

Applicants find any such disclosure, teaching, or suggestion in any of the cited references.

In view of at least the forgoing, Applicants respectfully submit that claims 1-12, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate

IV. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

V. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4057. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response

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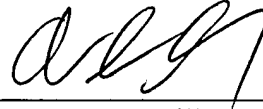
timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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